

# The Law Offices of Slatkin & Associates

## Personal Injury Claims and the Maryland Trial Court System

The Maryland state court system is comprised of the Circuit Court (higher level) and the District Court. Each county within Maryland has both Circuit and District Courts.

### **DISTRICT COURT**

In District Court, there are no jurors as all cases are decided by a District Court judge. The court costs at this level are nominal, consisting of a filing fee and the cost of serving the lawsuit on the other party, and are usually less than \$100. Unless there is a problem, it typically takes four to six months from the date the lawsuit is filed until the actual trial date.

The District Court has jurisdiction to hear cases up to \$30,000 and these cases are comprised of two segments, small claims and regular claims:

*Small Claims.* These claims consist of cases involving any claim in which the person bringing the action is seeking damages of no more than \$5,000. In a small claims action the formal rules of evidence do not apply. Although judges may apply their own interpretation of what is admissible, generally speaking, medical bills and records, repair receipts, incidental bills such as car rental, storage and towing charges, are all admissible without further proof of authenticity. There is no “discovery” allowed in a small claims action, which means that the parties cannot exchange written questions known as Interrogatories.

*Regular Claims.* These claims consist of those cases filed in the District Court where the injured party is claiming damages in an amount between \$5,000 and \$30,000. Provided that certain technical rules are complied with, a person’s medical records and bills are admissible without the necessity of having the health care provider(s) testify in court. Likewise, certain bills which have been paid, such as repair bills, may be admissible without further proof.

Discovery in the form of written questions (Interrogatories) is frequently propounded in these cases. These questions tend to be standard and typically much of the requested information is contained in our file. Usually, these answers are completed approximately one month prior to the trial date and are finalized with our client in our office, which usually takes no longer than an hour. In addition to answering the simple

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Interrogatory questions, our client's time commitment includes meeting with the attorney on at least one occasion shortly before the trial date. This meeting usually lasts approximately one hour. Although most District Court trials do not take longer than an hour, often times there are numerous cases scheduled for the same trial date which means that you must plan on spending at least one half-day in Court.

*Jury Demand.* In any case where the injured party sues for more than \$10,000, the defendant or their insurance company has the absolute right to demand that the case be decided by a jury which automatically transfers the case from District Court to the Circuit Court.

## **CIRCUIT COURT**

The Circuit Court involves cases where the injured party is requesting damages in excess of \$30,000. These cases, upon request, are decided by a jury as opposed to a judge. It typically takes between 12 to 15 months from the date a lawsuit is filed until the actual trial date.

*Jury Trial.* A Jury consists of six members of the community who are selected by the attorneys after the jury pool has been suitably screened by the judge. After jurors have been disqualified by a judge, each attorney is allowed to dismiss four potential jurors for practically any reason. Because of this screening process, it is very rare for a juror to have been significantly injured in a car accident or to have the same type of injury as the plaintiff. At the end of the trial, the jury determines who wins and assuming the plaintiff wins, the jury then decides the amount of the award.

*Discovery.* The law allows significant avenues for the defendant or his insurance company to investigate the claim. There are three such basic avenues:

(1) Written Discovery. As opposed to District Court, which allow allows the Interrogatories to consist of 15 simple questions, Circuit Court rules provide for up to 30 questions and also allow for the parties to request copies of numerous supporting documents, including all medical records, medical bills, and documents to support a wage loss claim, including tax returns.

(2) Deposition. The parties are allowed to take depositions of all parties and witnesses. A deposition is a proceeding usually held in an attorney's wherein each attorney is allowed to ask the opposing party any question relevant to the accident and/or the party's claim for damages. The party must answer truthfully under oath.

The questions and answers are recorded by a court report and the deposition is thereafter transcribed.

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(3) Independent Medical Evaluation. The insurance company is allowed to have the plaintiff evaluated by a doctor of their choosing. This doctor may subsequently testify in court regarding his findings and opinions.

*Client's Time Commitment.* Responding to Circuit Court Interrogatories and Request for Production of Documents is somewhat more burdensome than answering District Court Interrogatories. In addition to meeting with the attorney to finalize the Answers to Interrogatories, the client will meet with the attorney prior to the deposition and will meet several times with the attorney prior to the trial. Very few jury trials take less than two days.

*Costs.* As opposed to District Court, any case filed requesting damages in excess of \$30,000 requires the testimony of a health care provider to prove the injury claim along with substantiating the reasonableness of the injured party's medical bills and amount of time lost from work. The physician may either testify live in court, or by video deposition prior to trial. The physician is entitled to be compensated for his professional time and these charges may range from \$1,500 to \$5,000. The parties are also required to pay the court reporter for the depositions which in an average case will cost approximately \$500 to \$1,000.

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